

**COUNCIL MEETING NOTICE AND AGENDA**

**WEDNESDAY, MAY 6, 2015**

**8:00 A.M. OR SOON THEREAFTER**

**COUNCIL CHAMBERS**

**HISTORIC COUNTY BUILDING**

**4396 RICE STREET, SUITE 201**

**LĪHUʻE, KAUAI, HAWAII 96766**

RECEIVED

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OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. February 6, 2015 Facilitated Shared Priorities Workshop
2. March 25, 2015 Council Meeting
3. April 8, 2015 Public Hearing re: Bill No. 2580

E. CONSENT CALENDAR:

1. C 2015-134      Communication (10/15/2014) from the Assistant Chief Procurement Officer, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2014-2015, pursuant to Section 17 of Ordinance No. B-2014-781, the Operating Budget of the County of Kaua'i for Fiscal Year 2014-2015.
2. C 2015-135      Communication (04/20/2015) from Council Chair Rapozo, transmitting for Council consideration, a Resolution appointing Jade K. Fountain-Tanigawa as the County Clerk of the County of Kaua'i for the term that commenced on December 1, 2014. *(See Resolution No. 2015-42)*
3. C 2015-136      Communication (04/21/2015) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, with regard to C 2015-124, Office on Violence Against Women Grant application by the Office of the Prosecuting Attorney, as he is employed with the YWCA of Kaua'i.

4. C 2015-137      Communication (04/21/2015) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, with regard to the grant application by the Office of the Prosecuting Attorney for the Kaua'i Victim of Crime Act Expansion Project 13-VA-3, as he is employed with the YWCA of Kaua'i
5. C 2015-138      Communication (04/30/2015) from Council Vice Chair Kagawa, transmitting for Council consideration, a Resolution Urging The Administration To Consider New Technologies To Manage The County's Solid Waste Challenges. The proposed Resolution would encourage the Administration to consider new innovative technologies in an effort to address our current solid waste challenges. *(See Resolution No. 2015-43)*

F. COMMUNICATIONS:

1. C 2015-126      Communication (04/10/2015) from the County Attorney, requesting authorization to expend additional funds up to \$135,525 for Special Counsel's final billing for services rendered for Defendant County of Kaua'i in Tim Bynum vs. County of Kaua'i, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters. *(Deferred April 22, 2015)*
2. C 2015-127      Communication (04/10/2015) from the County Attorney, requesting authorization to expend additional funds up to \$130,189 for Special Counsel's final billing for services rendered for Defendant Shaylene Iseri-Carvalho in Tim Bynum vs. County of Kaua'i, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters. *(Deferred April 22, 2015)*
3. C 2015-128      Communication (04/10/2015) from the County Attorney, requesting authorization to expend additional funds up to \$56,480 for Special Counsel's final billing for services rendered for Defendant Sheilah Miyake in Tim Bynum vs. County of Kaua'i, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters. *(Deferred April 22, 2015)*
4. C 2015-139      Communication (04/06/2015) from the Civil Defense Manager, requesting Council approval to accept a donation valued at \$30,512.30, of eight (8) mobile radios from the State of Hawai'i Department of Defense, for use by the Kaua'i Police Department.

5. C 2015-140      Communication (04/10/2015) from the Fire Chief, requesting Council approval to accept a donation valued at \$14,210, of Olukai footwear (slippers and shoes) from the Hawai'i Lifeguard Association, for the purpose of providing effective foot protection for the Ocean Safety Bureau personnel while performing Water Safety related duties.
6. C 2015-141      Communication (04/20/2015) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of March 31, 2015, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2014-2015. *(Copies of the Period 9 Financial Reports as of March 31, 2015 on file in the County Clerk's Office.)*
7. C 2015-142      Communication from the Housing Director, requesting Council approval for the following:
  1. Acquisition under the County's Community Development Block Grant (CDBG) Program of a residential unit at 1620 Papau Place, Kapa'a, Kaua'i, Hawai'i, 96746 TMK: (4) 4-6-038-069, for a purchase price of not more than \$395,000, based on the fee simple market appraisal which will be obtained through this transaction;
  2. Resale of 1620 Papau Street, Kapa'a, Kaua'i, Hawai'i, 96746, by leasehold for not more than the leasehold market appraisal, which will be obtained through this transaction; and
  3. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.
8. C 2015-143      Communication (04/21/2015) from the Chief of Police, requesting Council approval to accept and expend grant funds in the amount of \$9,693.11 which is appropriated by the United States Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Grant Funding Program for the Fiscal Year 2014, and a local matching amount of at least 50% from the Kaua'i Police Department (Account No. 001-1003-551.65-00, Collective Bargaining) for the acquisition of bulletproof (protective) vests and related accessories to be utilized by officers of the Kaua'i Police Department.
9. C 2015-144      Communication (04/21/2015) from the Chief of Police, requesting Council approval to purchase Modular Office Space & Furniture, valued at approximately \$92,000, to be purchased with unexpended funds from Account No. 001-1001-551.89-06, Public Safety Equipment, to create office space in an underutilized portion of the Investigative Services Bureau for the Crime Scene Specialists.

- 10.C 2015-145      Communication (04/22/2015) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$210,836, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim of Crime Act Expansion Project 13-VA-3 for the period of July 1, 2015 through June 30, 2016.
- 11.C 2015-146      Communication (04/24/2015) from the County Engineer, requesting Council approval to apply for, receive, and expend United States Department of Transportation (USDOT) Transportation Investment Generating Economic Recovery (TIGER) Grant funding for the Lihu'e Town Core Mobility and Revitalization project, and indemnify United States Department of Transportation Federal Highway Administration and Hawai'i Department of Transportation, if awarded.

G. CLAIM:

1. C 2015-147      Communication (04/15/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Silvie Spackova, for the loss of their personal items, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. PLANNING COMMITTEE:

- a. **CR-PL 2015-10:** on Bill No. 2585      A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND [Approved.]

2. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2015-03:** on EDIR 2015-01      Communication (12/17/2014) from Committee Chair Kualii, requesting the presence of the Director of Economic Development, to provide an update on the proposed operations of the Kilauea Agricultural Center. [Received for the Record.]

**3. BUDGET & FINANCE COMMITTEE:****a. CR-BF 2015-17: on Bill No. 2584**

A BILL FOR AN ORDINANCE  
AMENDING CHAPTER 5A, KAUAI  
COUNTY CODE 1987, AS  
AMENDED, RELATING TO REAL  
PROPERTY TAXES (*Re-instate  
Credit Union Exemption*)  
[Approved.]

**I. RESOLUTIONS:**

1. Resolution No. 2015-40 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*) (*Deferred pending interview April 22, 2015*)

2. Resolution No. 2015-42 – RESOLUTION APPOINTING THE COUNTY CLERK OF THE COUNTY OF KAUAI

3. Resolution No. 2015-43 – RESOLUTION URGING THE ADMINISTRATION TO CONSIDER NEW TECHNOLOGIES TO MANAGE THE COUNTY'S SOLID WASTE CHALLENGES

**J. BILLS FOR SECOND READING:**

1. Bill No. 2584 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Re-instate Credit Union Exemption*) (*See also CR-BF 2015-17; the Budget & Finance Committee recommended approval on second and final reading.*)

2. Bill No. 2585 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*See also CR-PL 2015-10; the Planning Committee recommended approval on second and final reading.*)

**K. EXECUTIVE SESSION:** Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (*Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.*)

1. ES-788 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Defendant County of Kaua'i in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. *(Deferred April 22, 2015)*
2. ES-789 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Defendant Shaylene Iseri-Carvalho in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. *(Deferred April 22, 2015)*
3. ES-790 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing and request authority for settlement as it relates to Defendant Sheilah Miyake in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. *(Deferred April 22, 2015)*
4. ES-791 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Defendant Sheilah Miyake in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. *(Deferred April 22, 2015)*
5. ES-792 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests and Executive Session with the Council to provide the Council with a briefing regarding 1) the fact finding/investigation on three parcels of real property, Tax Map Keys (4) 3-3-018-002, (4) 3-8-004-001 and (4) 3-7-001-001, concerning each parcel's compliance with the Agricultural Dedication Ordinance and the Sediment and Erosion Control Ordinance (Grubbing, Grading and Stockpiling) and related matters and 2) the process for an investigation pursuant to Section 3.17 of the Charter of the County of Kaua'i and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item. *(Deferred April 22, 2015)*

6. ES-793 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding Puhi Metals Recycling Center issues and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item. *(Deferred April 22, 2015)*
7. ES-794 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to consult with the Council's legal counsel on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and/or liabilities regarding the release of Executive Session Minutes of ES-722 from the June 25, 2014 meeting as it relates to the County's insurance policy with Everest National Insurance Company for attorneys' fees arising in connection with the lawsuit Tim Bynum vs. County of Kaua'i, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.

M. NOTES: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUA'I, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

\*TO VIEW MEETINGS, MEETING ARCHIVES, OR TO DOWNLOAD/ACCESS AGENDA ATTACHMENTS, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).